

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - June 17, 1970

Appeal No. 10429 Sol and R.F. Seigle on behalf of Just Street Corporation, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried, with Arthur B. Hatton dissenting, the following Order of the Board was entered at the meeting of June 23, 1970.

EFFECTIVE DATE OF ORDER - July 21, 1970

ORDERED:

That the appeal for variance from the use, side yard and floor area ratio requirements of the R-5-A District to permit row dwellings at 29th between S Streets and Texas Avenue, SE., Lots 87 and 88, Square 5637, be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District.
2. The subject property is unimproved.
3. Appellant proposes to construct townhouses (row dwellings) on 1800 square feet minimum lots with elimination of side yards and floor area ratio requirements.
4. Appellant contends that due to the topographical conditions as shown on BZA Exhibit No. 9, a variance is needed to make reasonable use of the property.
5. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

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OPINION Cont'd:

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

This Order shall be subject to the following condition:

Appellant shall comply with BZA Exhibit No. 10 (site plan), BZA File No. 10429, approved July 2, 1970.

MINORITY OPINION BY MR. HATTON:

I concur with the majority that a variance permitting row houses is justified. However, I do not believe that a poor subdivision is justified or should be approved by the Board of Zoning Adjustment. In granting a variance, the Board can and should impose requirements that will insure that the development is in keeping with the neighborhood and result in good and urban environment for the future occupants. I believe this subdivision should have been reduced to 13 dwelling units so that side yards could be provided for the end unit and the unit on F Street, SE.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____
PATRICK E. KELLY
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.
